

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKRECEIVED
SDNY PRO SE OFFICESammy L Brown 18B2393

2022 NOV 18 PM 3:16

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

J Donahue (Superintendent)
Tammy Hickey (IRC)
MS O'DELL (I.G.R.C. supervisor)

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>Sammy L Brown</u>
	ID #	<u>18B2393</u>
	Current Institution	<u>Elmira Correctional Facility</u>
	Address	<u>Po Box 500, Elmira NY 14902</u>

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name J Donahue (superintendent) Shield # _____
 Where Currently Employed Elmira Correctional facility
 Address Po Box 500 Elmira NY 14902

Defendant No. 2 Name Tammy Hickey (IRC) Shield # _____
 Where Currently Employed Elmira Correctional facility
 Address Po Box 500 Elmira NY 14902

Defendant No. 3 Name O'Dell (I.G.R.C Supervisor) Shield # _____
 Where Currently Employed Elmira Correctional facility
 Address Po Box 500 Elmira NY 14902

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? _____

B. Where in the institution did the events giving rise to your claim(s) occur? _____

C. What date and approximate time did the events giving rise to your claim(s) occur? _____

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?
- Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Elmira Correctional facility

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

- C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

- E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

Elmira Correctional facility

- Which claim(s) in this complaint did you grieve? Review Case file on CD Rom and thumb drive so that I can access the Courts.
- What was the result, if any? The facility has denied me access to my case file so that I can access the Courts
- What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. The I.G.R.C Committee agreed with my grievance, however they still are denying me access to review my case file.

- F. If you did not file a grievance:

If there are any reasons why you did not file a grievance, state them here: _____

D. Facts: Attorney Edward Morrow Sent Discovery Material
on 4.25.22 for review so I can access courts. The facility
claim it did not receive Case file on that date the Attorney
Morrow resent Case file on July 11 2022 for my review
Tommy Hickey reviewed my Case file without my consent, seen
that it contains Autopsy photos and denied me access to review

What
happened
to you?

Who did
what?

Was
anyone
else
involved?

Who else
is
involved?

(5 months)
Superintendent has denied me access to review Case file
Because no one has time for me to review it, ms o'dell of the
I.G.R.C Supervisor agreed that I should review case file however
they have failed on their decision

I still have not been able to review my Case file discovery
so that I can construct a 940.10 motion. This denial and
delay has denied me access to the courts to challenge my
Criminal Conviction. I must review Audio and video evidence.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. there has been a 7 month delay (April 2022 until
November 2022) in me starting to perfect my motion. This has
caused me mental stress due to my actual innocence.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: I filed a grievance, the grievance has never been resolved, Nor honored

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I appealed to CORC in Albany, they told me to appeal to the Elmira Facility, which I've already done

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. **Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I want to review my case file and be able to print out any documents that I need. I want \$200 dollars a day for as long as this situation remains unresolved. ~~Also I want to know if my case is still open and what the status is.~~

All interferences with legal material sent by lawyers to me to Cease and desist immediately, And restitution to compensate for the ongoing delay.

VI. Previous lawsuits:

☐ A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

case
aims

Yes ____ No ☒

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

in
other
cases

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ____ No ☒

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff _____

Inmate Number _____


Institution Address _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this _____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

EXHIBIT A

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM IGRC HEARING RESPONSE	GRIEVANCE NO. EL - 0132-22	HEARING DATE 4/6/2022
	GRIEVANT NAME BROWN, S.	DIN: 18-B-2393
	FACILITY ELMIRA	HOUSING UNIT I0527
	HELD IN ABSENTIA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHY:	

Response of IGRC:

This committee AGREES with the grievant. Per the investigation, the grievant's Lawyer needs to send the Thumbdrive/CD which holds his paperwork to the Elmira CF IRC, with a letter stating that the contain the grievant's legal paperwork. The IRC will notify the grievant of their arrival, and the grievant then must notify IRC that he wishes to review them, Grievant will be scheduled to view the items, and may request paper copies of items that he feels that he needs.

Chairperson: BrewerIGRC Members: [Signature]
[Signature]
[Signature]Date Returned to Grievant: 4/12/22Appeal:

If you wish to appeal, please check the appropriate box below and return within 7 calendar days to the IGRC office at the facility where the grievance was filed.*

☐ I disagree with the IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed the Deadlocked response. Refer to Superintendent.

☐ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I want to apply to the IGP Supervisor for review of the IGRC dismissal.

Grievant Signature: _____

Date: _____

*An exception to the time limit may be requested under Directive #4040, § 701.6 (g).

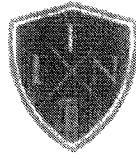
To be completed by Grievance Clerk

Grievance Clerk Signature: _____

Date Received: _____

Date Forwarded to Superintendent For Action: _____

Exhibit B



EDWARD F. NARROW, P.C.

20 Park Street Canton, NY 13617

Tel: (315) 386-8500

Fax: (315) 386-8550 (NOT FOR SERVICE OF PROCESS)

Email: enarrow98@aol.com

April 21, 2022

Sammy Brown, D/N: 18-B2392
c/o Elmira Correctional Facility
ATTN: Inmate Records Coordinator
PO Box 500 Elmira, NY 14902-0500

RE: Discovery Materials

Dear Mr. Brown:

Enclosed you will find the DVD Disc and USB Thumb Drives as per request. Between them contain all Discovery Media Files that we possess in regard to your case and have addressed this matter per your written request from April 14, 2022.

Sincerely,

THOMAS J. NARROW, ESQ.
EDWARD F. NARROW, P.C.

Copy w/enclosure

Jefferson County Court Chambers
ATTN: Hon. David A. Pardo

USPS Tracking®

FAQs >

Track Another Package +



Tracking Number: 9405509202121598963275

Remove X

Your item was picked up at a postal facility at 9:06 am on April 25, 2022 in ELMIRA, NY 14901.

USPS Tracking Plus® Available v



✓ Delivered, Individual Picked Up at Postal Facility

April 26, 2022 at 9:06 am
ELMIRA, NY 14901

Get Updates v

Feedback

Text & Email Updates v

Tracking History v



April 26, 2022, 9:06 am

Delivered, Individual Picked Up at Postal Facility
ELMIRA, NY 14901

Your item was delivered to the recipient at the delivery location on April 26, 2022 at 9:06 am in ELMIRA, NY 14901.

April 23, 2022, 9:14 am

Delivery Attempted - No Access to Delivery Location
14901

April 23, 2022, 7:51 am

Arrived at Post Office
ELMIRA, NY 14901

April 23, 2022, 3:00 am

Departed USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER

April 22, 2022, 4:20 am

Arrived at USPS Regional Facility

ROCHESTER NY DISTRIBUTION CENTER

April 21, 2022, 5:22 pm

Departed Post Office

CANTON, NY 13617

April 21, 2022, 4:17 pm

USPS in possession of item

CANTON, NY 13617

April 20, 2022, 3:20 pm

Shipping Label Created. USPS Awaiting Item

CANTON, NY 13617

USPS Tracking Plus®

Feedback

Product Information

See Less

Can't find what you're looking for?

Check out our tips on how to find answers to your tracking questions.

FAQs



Exhibit C



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

To: Brown, Sammy 18B2393
FROM: T. Hickey, ORA
DATE: 7/1/22
RE: Documents requested for Review

I received your correspondence regarding documents that your attorney was trying to send to you for review. According to IRC, there are no such documents in your personal property nor were any reported as received by the mailroom. Please submit a written request to IRC regarding this matter for a reply back directly from that area. Your attorney may need to supply another copy of the documents for your review.

Thank you.

cc: file

Exhibit D



EDWARD F. NARROW, P.C.

20 Park Street Canton, NY 13617

Tel: (315) 386-8500

Fax: (315) 386-8550 (NOT FOR SERVICE OF PROCESS)

Email: orangelaw98@yahoo.com

July 11, 2022

Elmira Correctional Facility
ATTN: Guidance Unit
1879 Davis Street
Elmira, NY, 14902

RE: Legal Mail & Legal Correspondence
Sammy Brown DIN# 18B2393

Dear Sir,

In accordance with the guidance provided by Richard at the Inmate Records Coordinator's Office on July 8, 2022, enclosed you will find a USB Thumb Drive for Mr. Brown to review. This drive contains legal documents and discovery materials provided to Mr. Brown by the Jefferson County District Attorney's Office, with regards to his case.

Thank you for your continued attention to this matter.

Sincerely,

THE LAW FIRM OF EDWARD F.
NARROW, P.C.



David Hartman

Office Assistant to Mr. Narrow

cc: Hon. David A. Penzi
County Court Judge
Jefferson County Court

Kristyna S. Mills, Esq.
Jefferson County
District Attorney

Exhibit E

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM INVESTIGATION REPORT	GRIEVANCE NO. EL 0368-22	DATE FILED 08/10/2022
	FACILITY ELMIRA CF	DATE DUE
	GRIEVANT NAME BROWN, S.	DIN 18B2393
	SIGNATURE OF REPORT WRITER M. O'DELL 	DATE 08/15/2022

NAME OF PERSON(S)/DEPARTMENT INVOLVED:

1. _____ 2. _____
 3. _____ 4. _____

INVESTIGATIVE REPORT


(Please specify the name and title of the person(s) who provided the information below.)

Per the direction of the DSP, due to the nature of the information contained on the CD Rom and thumb drive, Central Office was contacted and the facility is awaiting their direction.

RELEVANT GOCCS/FACILITY POLICY / CORC/COMMISSIONER DECISION:

ADDITIONAL PERTINENT INFORMATION PROVIDED BY GRIEVANT:

Exhibit F

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM IGRC HEARING RESPONSE	GRIEVANCE NO. EL - 369-22	HEARING DATE 8/22/2022
	GRIEVANT NAME BROWN, S.	DIN: 18-B-2393
	FACILITY ELMIRA	HOUSING UNIT 10527
	HELD IN ABSENTIA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, WHY:	

Response of IGRC:

This committee AGREES with grievant. Grievant has a legal right to any and all documents that the court has deemed permissible for him to possess. ANY denial or delay may be construed as a denial of access to the courts.

Chairperson: J. Hickey

IGRC Members: [Signature]
[Signature]
K. Cygan, Sgt

Date Returned to Grievant: 8/25/20

Appeal:

If you wish to appeal, please check the appropriate box below and return within 7 calendar days to the IGRC office at the facility where the grievance was filed.*

☐ I disagree with the IGRC response and wish to appeal to the Superintendent.

I have reviewed the Deadlocked response. Refer to Superintendent.

☒ I agree with the IGRC response and wish to appeal to the Superintendent.

I want to apply to the IGP Supervisor for review of the IGRC dismissal.

Grievant Signature: Danny Brown 8.31.22

Date: _____


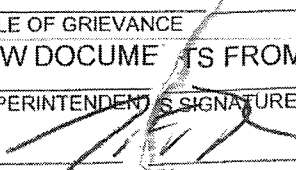
*An exception to the time limit may be requested under Directive #4040, § 701.6 (g).

To be completed by Grievance Clerk

Grievance Clerk Signature: _____

Date Received: _____

Date Forwarded to Superintendent For Action: _____

 Corrections and Community Supervision INCARCERATED GRIEVANCE PROGRAM SUPERINTENDENT RESPONSE	GRIEVANCE NO. EL 0369-22	DATE FILED 08/10/2022
	FACILITY ELMIRA CORRECTIONAL FACILITY I	POLICY DESIGNATION
	TITLE OF GRIEVANCE VIEW DOCUMENTS FROM ATTORNEY	CASE CODE 42
	SUPERINTENDENT'S SIGNATURE 	DATE 10/13/2022
GRIEVANT BROWN, S.	DIN 18B2393	HOUSING UNIT I-5-27

Grievant claims that his attorney send information for him to view regarding a pending case on a thumb drive and he has been denied access to the information.

Investigation reveals that due to the amount/n of information on the thumb drive and the amount of time it would take to have someone sit with grievant and go through it, direction was requested through DOCCS Counsel's office. Counsel's office has reached out to grievant's attorney via phone with no response. At this time, Counsel's office has sent a written request to grievant's attorney to have the information sent to the facility in hard copy, again no response has been received. Grievant is advised to reach out to his attorney and have them contact Counsel's office to resolve this issue.

Grievance is denied.

APPEAL STATEMENT

If you wish to appeal the above decision of the Superintendent, please sign below and return this copy to the IGRC at the facility where the grievance was filed. You have seven (7) calendar days from receipt of this notice to file your appeal.* Please provide a reason why you are appealing this decision to CORC.

The grievant is appealing the Superintendent's decision! Shows in prison that the defendant's attorney denied access to case files!

Sammy Brown
GRIEVANT'S SIGNATURE

8.13.22
DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)

11.14.22

TO: US District Court
500 Pearl St Rm 230
NY, NY 10007

From: Sammy L Brown 18B2393
Elmira C.F. Po Box 500
Elmira, NY 14902

Dear Courts

I'm requesting that the Courts please expedite this matter. I'm being delayed access to discovery material. I've been delayed way to long and need this matter resolved as soon as practical

Cpd
Bless

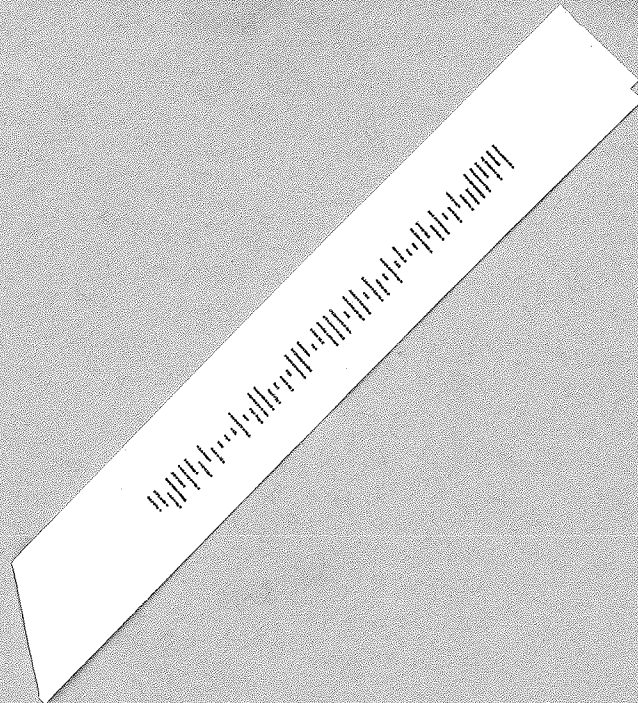
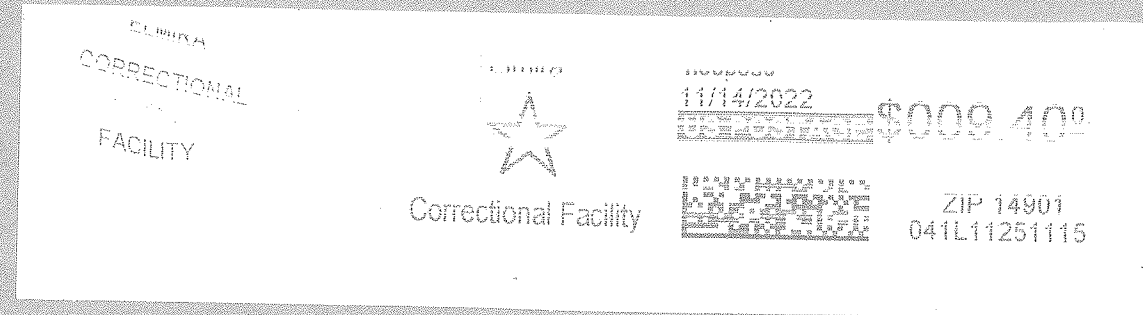
Sammy
Brown
18B2393

SAMMY L BROWN 18B2393

ELMIRA CORRECTIONAL & RECEPTION CENTER

P.O. BOX 500

ELMIRA, NEW YORK 14902-0500



United States District Court
Southern District of New York
500 Pearl St Rm 230
New York, New York
10007

RECEIVED
SDNY PRO SE OFFICE
2022 NOV 18 PM 3:30

USMP3
SDNY